

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

THOMAS C. SISOIAN,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

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Civil Action No. A-14-CA-565-SS

**DEFENDANT IBM'S DESIGNATION OF
POTENTIAL TRIAL WITNESSES**

Pursuant to the Court's Amended Scheduling Order, Defendant International Business Machines ("IBM") identifies the following individuals as potential witnesses that may be called at trial.

	<u>Name/Title</u>	<u>Will/May Call</u>	<u>Format</u>	<u>Subject(s) of Information</u>
1.	Francis Anderson	Will Call	Live or Deposition	<p>Mr. Anderson will testify about his role in the development of IBM's WebSphere Telecom Content Pack ("WTCP"), the development of Objectiva Architecture, and the scope and circumstances of his employment at Objectiva Innovations, Inc.</p> <p>Mr. Anderson's testimony was procured by deposition on November 24th, 2015, and he may offer other opinions that he provided during the deposition.</p>
2.	Christian Hicks Stroz Friedburg 2 Oliver Street, 11th Floor, Boston, MA 02109	Will Call	Live	<p>Mr. Hicks will testify about the technical aspects of Mr. Sisoian's liability and damages theories. Mr. Hicks will also testify about the deficiencies in the assumptions and analysis provided by Dr. Almeroth, Mr. Sisoian, Mr. Easttom and Mr. Jarosz, as well as the similarities between the Objectiva Architecture and Innoverse.</p> <p>Mr. Hicks' opinions are summarized in detail</p>

	<u>Name/Title</u>	<u>Will/May Call</u>	<u>Format</u>	<u>Subject(s) of Information</u>
				in his expert reports. Additionally, Mr. Hicks' testimony was procured by deposition on March 10th, 2016 and June 29, 2017, and he may offer other opinions that he provided during the deposition or in his expert reports.
3.	Geoff Cohen Stroz Friedburg 2 Oliver Street, 11th Floor, Boston, MA 02109	Will Call	Live	Mr. Cohen will testify about the importance of software architecture, adaptive object modelling, public disclosures of Objectiva, and the Objectiva and Innoverse software as of the late 1990s and going-forward plans. Mr. Cohen may also testify about the deficiencies in the assumptions and analysis provided by Dr. Almeroth, Mr. Sisoian, Mr. Easttom and Mr. Jarosz. Mr. Cohen's opinions are summarized in detail in his expert report.
4.	Stephen Becker, PhD Applied Economics Consulting Group, Inc. 1905 North Lamar Blvd Austin, Texas 78705	Will Call	Live	Dr. Becker will offer expert opinions on the economic aspects of Mr. Sisoian's liability and damages theories. Dr. Becker will also testify about the deficiencies in the assumptions and analysis provided by Mr. Jarosz. Dr. Becker's opinions are summarized in detail in his expert report. Additionally, Dr. Becker's testimony was procured by deposition on March 14th, 2016, and he may offer other opinions that he provided during the deposition.
5.	Tyler Horton Alvarez & Marsal, LLC 555 13 th Street NW Washington, DC 20004	May Call	Live	Mr. Horton will testify about the deficiencies in the assumptions and analysis provided by Mr. Love. Mr. Horton's opinions are summarized in detail in his expert report.
6.	Swaminathan (Swami) Chandrasekaran Executive Architect IBM Software Group, Watson	Will Call	Live	Mr. Chandrasekaran will testify about the development, sale, and implementation of WTCP, Francis Anderson's role in the development, sale, and implementation of WTCP, and IBM's procedures and tools (available at no additional cost) for catalog modeling.

	<u>Name/Title</u>	<u>Will/May Call</u>	<u>Format</u>	<u>Subject(s) of Information</u>
				Mr. Chandrasekaran's opinions are summarized in detail in his expert report. Additionally, Mr. Chandrasekaran's testimony was procured by deposition on December 3rd and 4th, 2015, and he may offer other opinions that he provided during the deposition.
7.	Can Paul Boyacigiller Senior Managing Consultant (Senior IT Architect) IBM SWG Lab Services (ISSW)	May Call	Live	If called, Mr. Boyacigiller will testify about the sale and implementation of WTCP, IBM's services provided to WTCP customers, and Francis Anderson's role in the sale and implementation of WTCP.
8.	John Dinger Distinguished Engineer, IBM Software Group, Cloud & Smarter Infrastructure	May Call	Live or Deposition	<p>If called, Mr. Dinger will testify as to IBM's review of Mr. Sisoian and Mr. Anderson's joint presentation to IBM's Tivoli division pitching Objectiva Architecture as a software solution.</p> <p>Mr. Dinger's testimony was procured by deposition on November 5th, 2015, and he may offer other opinions that he provided during the deposition.</p>
9.	Lakshminarayanan (Lakshmi) Krishnamurthy Lead Engineer IBM Software Group, Watson	May Call	Live or Deposition	<p>If called, Mr. Krishnamurthy will testify about the design and development of industry content packs at IBM, including WTCP and those for other industries.</p> <p>Mr. Krishnamurthy's opinions are summarized in detail in his expert report. Additionally, Mr. Krishnamurthy's testimony was procured by deposition on October 8th, 2015, and he may offer other opinions that he provided during the deposition.</p>
10.	Larry Hargrove Former IBM Global Sales Leader for Software and eCommerce Solutions	May Call	Live or Deposition	<p>If called, Mr. Hargrove will testify about sales of IBM's WTCP, as well the sales of predecessor products to WTCP, Websphere Business Services Fabric (WBSF), Operational Support System (OSS), and Business Support System (BSS).</p> <p>Mr. Hargrove's testimony was procured by deposition on August 25th, 2015, and he may</p>

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				offer other opinions that he provided during the deposition.
11.	Edward Lynch Director of Project Management for the Smarter Process Portfolio	May Call	Live or Deposition	<p>If called, Mr. Lynch will testify about the sales and revenues for the Identified Products listed in Mr. Sisoian's 30(b)(6) Notice for Damages.</p> <p>Mr. Lynch's testimony was procured by deposition on December 16th, 2015, and he may offer other opinions that he provided during the deposition.</p>
12.	James Michels Senior Financial Analyst, Software Group	May Call	Live	<p>If called, Mr. Michels will testify as to IBM accounting procedures, as well as the revenues for the telecom consulting services provided for customers who purchased WTCP.</p> <p>Mr. Michels' testimony was procured by deposition on January 7th, 2016, and he may offer other opinions that he provided during the deposition.</p>
13.	Bill Kribbs VP, WW Lab Services, IBM	May Call	Live	If called, Mr. Kribbs will testify as to IBM accounting procedures, as well as the revenues for the telecom consulting services provided for customers who purchased WTCP.
14.	Brian Senn IBM Software Services	May Call	Live or Deposition	<p>If called, Mr. Senn will testify as to IBM Software Services Group's consulting services offered to IBM customers. Mr. Senn will also testify as to Francis Anderson's involvement and contribution to the services provided to IBM clients. Mr. Senn will also testify about IBM's review of Mr. Anderson's "Request for Executive Support" PowerPoint in April 2011.</p> <p>Mr. Senn's testimony was procured by deposition on October 27th, 2015, and he may offer other opinions that he provided during the deposition.</p>
15.	Manny Schecter Chief Patent Counsel for IBM	May Call	Live or Deposition	If called, Mr. Schecter will testify as to IBM's intellectual property and business conduct policies and practices, as well as IBM's compliance with intellectual property laws.

	<u>Name/Title</u>	<u>Will/May Call</u>	<u>Format</u>	<u>Subject(s) of Information</u>
				<p>Mr. Schechter will explain the importance IBM places on intellectual property in general, and in particular the use of third-party software in IBM development. Mr. Schechter will describe the safeguards taken by IBM to ensure that the products that it brings to market are original.</p> <p>Mr. Schechter's testimony was procured by deposition on January 8th, 2016, and he may offer other opinions that he provided during the deposition.</p>
16.	Marty Slatnick Former IBM Manager, Telecom Solutions Lab	May Call	Live or Deposition	<p>If called, If called, Mr. Slatnick will testify about the development and sale of WTCP. He will testify about the services provided by IBM's Telecom Solutions Lab to IBM customers.</p> <p>Mr. Slatnick's testimony was procured by deposition on August 27th, 2015, and he may offer other opinions that he provided during the deposition.</p>
17.	Dan Wiggins Engagement Delivery Manager IBM Watson Solutions	May Call	Live or Deposition	<p>If called, Mr. Wiggins will testify about IBM's sales and implementation of WTCP and Francis Anderson's role in the sales process and implementation of WTCP.</p> <p>Mr. Wiggins testimony was procured by deposition on December 16th, 2015, and he may offer other opinions that he provided during the deposition.</p>
18.	Terry Ilardi Copyright Counsel IBM	May Call	Live	<p>If called, Mr. Ilardi will testify to IBM's internal policies, procedures, and precautions related intellectual property, certificates of originality for all IBM products, employment agreements, and internal investigations.</p>
19.	Elyse Anderson	May Call	Live	<p>If called, Ms. Anderson will testify as to Francis Anderson's work at Sprint, ClearSystems, Objectiva, Inc., and IBM. She will testify as the circumstances surrounding Mr. Sisoian's relationship with Mr. Anderson. Ms. Anderson will also testify about Francis Anderson's ownership rights of Objectiva Architecture and his transfer of intellectual</p>

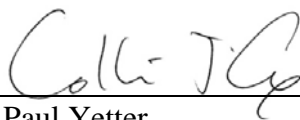
	<u>Name/Title</u>	<u>Will/May Call</u>	<u>Format</u>	<u>Subject(s) of Information</u>
				property rights of Objectiva Architecture to her.
20.	Kevin Ruesterholz	May Call	Deposition	If called, Mr. Ruesterholz will testify as to Lucent Technology's business dealings with ClearSystems related to Innoverse, as well as with Objectiva, Inc. related to Objectiva Architecture.
21.	Ned Earle Founder and CEO ClearSystems, Inc.	May Call	Live	If called, Mr. Earle may testify as to the functionality and marketing of ClearSystems, Inc.'s telecommunication billing product called Innoverse. Mr. Earle may also testify about Mr. Sisoian's employment and the circumstances of his departure from ClearSystems.
22.	John Catalano Vice President ClearSystems, Inc.	May Call	Live	If called, Mr. Catalano will testify as to the functionality and marketing of ClearSystems, Inc.'s telecommunication billing product called Innoverse. Mr. Catalano will also testify about Mr. Sisoian's employment and the circumstances of his departure from ClearSystems.
23.	John Reilly Distinguished Fellow, TM Forum	May Call	Live	If called, Mr. Reilly will testify as to the industry standards for telecommunication software, also known as the Shared Information/Data Model (the SID), available through the TM Forum, and about the TM Forum certification of IBM solutions.
24.	Thomas C. Sisoian	May Call	Live or Deposition	If called, Mr. Sisoian will testify as to his claim in this lawsuit and his personal knowledge of ClearSystems, Innoverse, Objectiva, Inc., and Objectiva Architecture. See Mr. Sisoian's deposition testimony for additional information.
25.	James Hartmann	May Call	Deposition	If called, Mr. Hartmann will testify as to his employment at ClearSystems, Objectiva, Inc., the development of Objectiva Architecture, as well as his interactions with Francis Anderson and Thomas Sisoian from 1995 to the present. See Mr. Hartmann's deposition testimony for additional information.
26.	Joseph Yoder	May Call	Live or Deposition	If called, Mr. Yoder will testify as to his involvement in the MetaData Pattern Mining Workshop at the University of Illinois in 1998 and subsequent possession of Objectiva

	<u>Name/Title</u>	<u>Will/May Call</u>	<u>Format</u>	<u>Subject(s) of Information</u>
				<p>Architecture source code from 1998 to the present.</p> <p>See Mr. Yoder's deposition testimony for additional information.</p>

Evidence on attorney fees will be submitted after trial pursuant to Rule 54. If other witnesses to be called at the trial become known, their names, addresses, and subjects of their testimony will be reported to opposing counsel in writing as soon as they are known; this does not apply to rebuttal or impeachment witnesses. IBM reserves the right to call any witness listed in Plaintiff's pretrial witness list. Additionally, IBM reserves the right to amend or supplement this witness list, as the evidence and arguments are presented at trial.

Dated: September 15, 2017

Respectfully submitted,



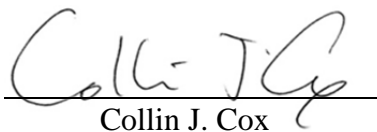
R. Paul Yetter
State Bar No. 22154200
pyetter@yettercoleman.com
Collin J. Cox
State Bar No. 24031977
ccox@yettercoleman.com
YETTER COLEMAN LLP
909 Fannin, Suite 3600
Houston, Texas 77010
(713) 632-8000
(713) 632-8002 (Fax)

Attorneys for Defendant
International Business Machines Corporation

Certificate of Service

I certify that on this 15th day of September 2017, a true and correct copy of Defendant IBM's Preliminary List of Witnesses was served by email to all counsel of record:

William M. Parrish
Nicole E. Glauser
John D. Saba, Jr.
DiNovo PRICE ELLWANGER & HARDY LLP
7000 N MoPac Expressway
Austin, TX 78731



Collin J. Cox